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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 8524/2024**

ABDUL KHALID

.....Petitioner

Through: Mr. Dhan Mohan, Mr. Ravi Mishra,
Ms. Tanisha Bhatia and Ms Nikita
Jha, Advocates

versus

BIR HORIZONS

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **25.10.2024**

CRL.M.A. 32503/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8524/2024 & CRL.M.A. 32532/2024 (Stay)

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner seeking the following reliefs:

“a) Allow the said petition by setting aside the Order Dated 08.10.2024 passed by Sh. Snehil Sharma, JMFC, NI Act, Digital Court, North East, KKD, Delhi in Case Titled As M/S Bir Horizons Vs M/S Vastrani Export Pvt Ltd Vide CC Ni Act 700 of 2022 Whereby Application Filed By Petitioner Under Section: 348 Of BNSS Act (311 Of Cr.P.C.) for re opening of defense evidence and grant one opportunity for leading defense evidence by the Trial Court has been dismissed.

b) Any other or further order which this Hon'ble court may



deem fit and proper be passed on the present facts and circumstances.”

2. The learned counsel appearing on behalf of the petitioner submitted that the learned Court below erred rejecting the request made by the petitioner to lead his defense evidence.

3. It is submitted that the petitioner was director of a company namely M/S Vastrani Exports and pursuant to order dated 1st January, 2024 by the learned NCLT, the petitioner has become the suspended director.

4. It is therefore, submitted that since the petitioner ceased to be in control of the abovementioned company, no liability lies against him and therefore, the proceedings pending in the learned Court below are infructuous *qua* the present petitioner/applicant.

5. Heard.

6. Issue notice of the petition and the accompanying application of stay to respondent through all permissible modes on filing PF within one week.

7. It is informed on behalf of the petitioner that the matter is listed tomorrow before the learned Trial Court.

8. Accordingly, learned Trial Court is directed to defer the matter and fix the matter after the date fixed by this Court.

9. List on 12th December, 2024.

CHANDRA DHARI SINGH, J

OCTOBER 25, 2024

gs/av

Click here to check corrigendum, if any